

## May 3, 2005: Iran: USCIRF Roundtable on Iran

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JOSEPH R. CRAPA: Okay, why don't we begin? First of all, I'm Joe Crapa, the Executive Director of the Commission. And I want to welcome all of you on behalf of our Commissioners and on behalf of our staff for joining us this afternoon with the Iran Human Rights Documentation Center. I will give a brief overview and then Dwight will take over, and then we can get to our guests. So I'll keep it short.

The Commission on International Religious Freedom was created in 1998 by the International Religious Freedom Act to promote religious freedom internationally and to monitor violations of the right to freedom of thought, conscience, religion, and belief abroad as defined in the act and under the universal UN charter of 1948. That's our gold standard - Article 18 of the UN charter of 1948 that's embedded in the Act that created the Commission. And our role is to make independent policy judgments and recommendations to the United States government. So, we act as advisors to the President, the Secretary of State, and the Congress on abuses of religious freedom internationally and also ways of promoting religious freedom internationally as part of American foreign policy.

Over the past year, the Iranian government's poor religious freedom record has deteriorated as you are well aware, particularly for Christians, Baha'is, Jews, and Muslim dissidents, all of whom have faced intensified harassment, detention, arrests, and imprisonment. Sunni Muslims, the largest religious minority in Iran, also face discrimination by the government. Since 1999, the State Department has designated Iran as a country of particular concern - a CPC. This is not good when you are designated a country of particular concern. In the United States that means a country that is a severe, egregious, and systemic violator of human rights and religious freedom. And so since it's actually - since the founding of the Act, Iran has been listed as a CPC. The Commission continues to recommend Iran remain a CPC even up to its new report, which will be published next week - made public next week.

In recent years, dozens of prominent Shi'a Muslim activists and dissidents

advocating political reform have been sentenced to lengthy prison terms by the revolutionary court, ostensibly on charges of seeking to overthrow the Islamic system of Iran. Others have been arrested and detained for alleged blasphemy and criticizing the nature of the Islamic regime. While the Constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities, the Baha'i faith and its community, the largest non-Muslim religious minority in Iran, are not protected and are viewed as heretics or infidels who face repression on the grounds of apostasy, an offense which carries with you, which you all know, the death penalty. As recently as last month and particularly over the last several months, members of the Baha'i community have been harassed, physically attacked, arrested, and detained, and Baha'i property including historic holy sites have been confiscated or destroyed.

As

mentioned earlier, Christians in Iran increasingly have been subject to harassment, arrests, close surveillance, and imprisonment. Over the past year, there have been several incidents of Iranian authorities raiding church services and detaining worshipers and church leaders. As a result of one of these raids last year, an evangelical pastor, Hamid Pourmand, is facing trial before an Islamic court on charges of apostasy. He has already been sentenced to three-years imprisonment by a military court for allegedly not informing military officers that he had converted from Islam some 25 years ago. His case, as you again know, is ongoing. Furthermore, several independent reports indicate that anti-Semitism and Iran's government-controlled media is also on the rise.

The Commission will be releasing its Annual Report next week on the 11<sup>th</sup>, which will include our latest findings on Iran with new policy recommendations for the United States government and the international community. At this point, I'd like to again thank you for all being here, and I'd like to turn over the program to Dwight Bashir. Many of you know my trusted and dear colleague is also the head of our Middle East section, deals with Iran and other countries in the Middle East. Dwight?

DWIGHT

BASHIR: Thank you, Joe. I'd like to thank our three presenters today, the three co-founders of the Iran Human Rights Documentation Center. As many of you know, in the fall of 2004, the State Department, through its human rights and democracy fund, provided a two-year, 1 million dollar grant to the Documentation Center, with the stated goal of helping promote respect for human rights and democracy in Iran. Just last month, the State Department announced it would provide grants in 2005 totaling up to 3 million dollars for educational institutions, humanitarian groups, NGOs, and individuals inside Iran to support the advancement of democracy and human rights.

The Documentation Center was initiated in 2003 by a group of international human rights advocates, scholars, and lawyers, and is a strictly non-partisan organization that seeks to remedy a deficit in the systematic objective and analytical documentation of human rights violations committed in Iran since the 1979 revolution. Based on the obligations of Iran and its officials under international law and human rights instruments, the Center hopes to develop an authoritative and accessible record of abuses and identification of responsible officials to help facilitate a peaceful, democratic rule and national reconciliation.

Again, we're glad to have the three co-founders here today. First, we're going to hear from Ramin Ahmadi, who is a clinical professor of medicine at the Yale School of Medicine and founder of the Griffin Center for Health and Human Rights in New Haven, Connecticut. And I'm going to be brief on each of the introductions so that we can get right to the presentations. In the packet of information, you'll find more detailed biographies on each of the three co-founders. He'll begin this discussion today by talking about the overall situation of human rights in Iran and the need for new strategies confronting these violations.

Next we'll hear from Payam Akhavan, an international human rights lawyer and a senior fellow at the Yale Law School and the Yale University Genocide Studies Program. He'll speak about the roles and objectives of the Iran Human Rights Documentation Center and the importance of accountability for an effective democratic transition in Iran.

And finally, Roya Hakakian, a journalist and documentary filmmaker, and the author of the critically acclaimed "Journey from the Land of No: A Girlhood Caught in Revolutionary Iran." She will conclude by talking about the importance of documenting a historical record of violations and highlighting the situation of religious minorities.

After we hear from each of the three speakers, we'll have a question-and-answer period for the balance of the time that we have, and with that, I'd like to turn it over to Ramin Ahmadi.

AHMADI: Thank you. And I hope today to give a brief overview of how the human rights violations have taken place in Iran over the last two decades, and how the human rights strategy - the classic human rights strategy - has been ineffective in trying to prevent some of these violations. Between 1979 into present, Iran underwent three distinct periods of systemic state-sponsored human rights violations. The first period spans from the victory of revolution in 1979 to the end of the Iran-Iraq war and Khomeini's death in 1989. The second period, from 1989-1997, or the years the regime labeled as the reconstruction era, led to the election of a reformist president and a clear political break in the establishment.

And that began a third period, marked with widespread unrest and a new wave of political oppression. A close examination of each of these periods reveals a different pattern of suppression.

I will spend very little time with the very early period. The dominant human rights discourse of the first years of the Islamic Republic was revolutionary, isolationist, and self-righteous. Dismissing the repeated protests of the human rights community about summary executions of the heads of the old regime, Khomeini labeled his human rights critics as the puppets of the West, who really want to secure the rights of the superpowers. Summary executions soon included not just the heads of the old regime, but also the regime's political opponents. During that first decade of the revolution, the human rights violations were committed unapologetically, shamelessly, in the full view of the public and the international community. The leaders felt no remorse, had no regrets. The war with Iraq was consuming the world's attention while the domestic politics was relegated to the war with the external enemies and the economic hardship. The regime relied heavily on its 1979 legitimacy, a legitimacy rooted in the revolution, and wielded its populist propaganda machinery to mobilize the masses.

Fortunately, the pressure of the U.S. embargo, the necessity for the post-war economic reconstruction, and the badly needed foreign capital and investment made the continuation of that discourse difficult. The death of Ayatollah Khomeini, the very charismatic leader of the nation, and the gradual erosion of the revolutionary legitimacy and grassroots support made the change inevitable. So we arrive in 1989 in the reconstruction era. Here, Ali Akbar Hashemi Rafsanjani, the powerful speaker of the parliament, was elected president, declaring the beginning of a new era - the era of reconstruction.

And indeed, a new era had begun in the history of the Islamic Republic. Some scholars argued this marked the birth of a second republic, others saw it as the takeover of the mercantile bourgeoisie. Most would agree that it was a period of alarming growth of economic disparity and widespread poverty. Inflation, reduced oil income, and sluggish growth continued in the '90s, and Iran's economy experienced a decreasing GDP and a high inflation, averaging 31.3 percent between '94 and '97. The

unemployment was estimated at about 30 percent for 1993, with more than 60 percent of Iranians living under the poverty line. Rafsanjani and family consolidated their own control over vital parts of Iran's economy. The result was the replacement of the economic warlords with a handful of families who enjoyed support of the paramilitary and security forces.

This political and economic transformation of the Islamic Republic to a Mafia state produced a new pattern of human rights violations in the political arena. Two events early in this period symbolizes a new pattern of violations. First, the stabbing of Dr. Kazem Sami, a physician and moderate Islamic intellectual, and a former minister of health in the provisional government of Bazargan at his home. Second, the mass execution of several thousand political prisoners in Evin prison in 1988. The first was a prelude to what became known as the chain murders of the writers and intellectuals, and the second was really a clean up of the prisons, so the prisons could once again be opened to international monitoring organizations.

At least three elements enter the new post-Khomeini Islamic Republic strategy for the first time. One, the plausible deniability. Two, the delegation of the political executions to special paramilitary forces. And three, the psychological warfare that always will ensue. The Iran of the '90s, led by President Rafsanjani and his secret police chief, Ali Falahean - and Falahean's claim, by the way, to fame was that even his shadow mortified the critics - was destined to become the darkest chapter in the contemporary history of human rights violations in Iran. One of the more known cases of this period was the killing of Reverends Dibaj and Michaelian from the Council of Protestant Ministers. A Sunni leader, Hajj Muhammad Ziya'i (ph), was found dead five days after he was interrogated by the security forces in the Fars province. His mutilated body was found next to his car. Iran's popular writer and satirist, Saidi-Sirjani, was arrested after his critical open letter to the Spiritual Leader, Khamenei. He was kept incommunicado for more than nine months. His body was then given to his family for the quick and secret burial monitored by the officers of the Minister of Intelligence.

In all these cases - and these are typical examples - the regime denied any role in the murders. Three young women, for instance, sympathizers of People's Majority, were forced to confess to the killings of the Protestant ministers, in a meeting arranged by the minister of intelligence - actually they met the representative of Human Rights Watch to do that. Mr. Ziya'i's death was attributed to a car accident, despite the fact that his car was not severely damaged and there was an eyewitness who testified to the contrary. And in the case of Saidi, the regime claimed that the cause was a heart attack. More than six years later, two reporters in Iran published the facts that in fact Saidi died under torture. In every one of these cases, the victim was killed by the secret police officials and finally, in every case, a psychological warfare ensued, attacking the human rights community for its naiveté, and blaming various things - People's Majority, accidents, illness - as the real cause.

The most disturbing aspects of these murders was the clues left by the security officers to make sure the public knew why the victim was being killed and who really had total control over their lives. The mafia-style of economic governance and political suppression had its most deleterious effect on the regime's political power base. Among others, young soldiers returning home from years of bloody war with Iraq were disillusioned to see the wide economic gap between rich and poor and the monopoly of the economic and political power in the hands of the mafia. So this disenchantment - actually was of this their own strong power base - fueled the fire of a reform movement and therefore the start of this new era - a new era, the reformist period.

The election of a reformist president in 1996 marked the beginning of really a new political era in the Islamic Republic of Iran. New social forces were emerging and the regime had to further modify its pattern of human rights abuses. By this time, the pressure of a grassroots movement for democracy and human rights had become evident. A young, rebellious population appeared uncontrollable by the regime's traditional ethics brigade. The women's rights movement was in full swing. The economic crisis and staggering numbers of the unemployed, together with widespread corruption, and the uncontested monopoly of the Rafsanjani mafia of the economy of the country had extended the discontent to most of the upper and middle class. The universities had become centers of opposition activities and workers' unions were threatening to strike.

And confronting this wide array of opposition, the regime had to modify its patterns. In this transition era, five groups of security forces were used predominantly to control and crush the opposition. These included Pasdaran of the Revolutionary Guard, special forces or anti-rebellion police force - Police Eveja (ph) - Basij or the paramilitary force, and parallel secret police apparatus, and the judiciary. While Pasdaran's special units were used for kidnapping, torture, and extra-judicial executions, something that really had been seen before in Latin America, in the case of disappearances - for those of you who are familiar with those cases - the special forces and Bah Siege were employed in the streets to combat the students and the activists.

Once the Ministry of Intelligence - the official secret police - was perceived to be under the reformists' control, a secret service apparatus parallel to the Ministry of Intelligence was created within the revolutionary guard, the army, and the judiciary. These forces were all officially under the control of the Supreme Leader and his office, however, many reports indicate that a group of powerful men - Iran's mafia bosses - including Rafsanjani, former chief of secret police Ali Falahean, Mohammed Mohammadi Rayshahri, Dori-Najabadi, Mohseni Ejehe, the judiciary chief, (unintelligible) -- Hosheeneeshah Ogoodea (ph), and the colorful Ahmad Janati, regularly meet with the leading figures of each group to decide on the strategy, future targets, and to

coordinate their forces. This well-oiled and efficient oppressive machine is completely independent of the official government.

And

this is really the one important point I would like to make in this presentation. In the eyes of the Iranian public, Khatami and his ministers had no power to stop this powerful and well-entrenched mafia. Many - (unintelligible) - organizations could see Khatami was powerless, and his - what I call - benign visible government was not really in charge. But this would only increase their frustration, since their target was now an elusive one. Who could be held accountable? How do you pressure a faceless shadow organization? The traditional human rights strategy of holding the state actor accountable for the human rights violations appears to be ineffective in Iran's case. The benign visible state of President Khatami, an increasingly powerless actor, remains a front to distract the attention of the international community from the real power holders.

I believe the

alternative strategy should target the military and economic interests of the Islamic Republic mafia bosses abroad. It must hold the individual power holders accountable, regardless of their apparent distance from position of power in the government. Here we do have a couple of examples of success in the recent past. One example is of the Berlin assassinations, where after the Islamic regime assassinated the Kurdish leaders in a restaurant named Mykonos, the European Community as well as the German court reacted with determination. The leaders of the regime were brought to trial and an open case actually still is there in the court against Mr. Falahian, Mr. Rafsanjani, and Mr. Khamenei. Many believe, including the architects of the reform movement - Mr. Hajariyan - that the Mykonos trial was one of the triggers, and what opened ways for Khatami and the reform movement inside Iran.

Second,

a less-well-known case perhaps, is the case of Faraj Sarkuhi. I'll give a little more detail on this case because I think it's a fascinating one. The Iranian writer and literary critic who was arrested on July 25 th, 1996 by the security service of the Islamic Republic while he was attending a dinner at the house of German cultural attaché James Gust. Sarkuhi and five other writers were taken from the diplomatic banquet to the interrogation chamber, questioned, videotaped, and then released. Unaware that he has been trapped in this web of bizarre security operations, Sarkuhi went back to work only to be arrested on November 3 rd, 1996 in Tehran, when he was about to board a flight to Germany to be reunited with his wife and children.

When

his anxious wife in Germany reported him missing to the German authorities, the Iranian regime claimed that he had in fact boarded the plane, implying that he must have entered Germany. This was to hold the German government responsible for his safety. In detention, he was tortured and forced to confess that he had spied for Germany. The complicated ordeal had been designed to create the pretext to take the

German attaché and other citizens in Tehran hostage and use them as ransom to free the Iranian agents and his four Lebanese collaborators who were charged with the murder of the Kurdish leaders in Berlin.

The

German government reacted to all this with outrage, but also determination. Videotapes of the airport gates in Hamburg were used to prove that Sarkuhi in fact never entered Germany as the Islamic Republic was claiming. Then an international aviation nightmare began for Iran. If Iran's claim was to be taken seriously and Sarkuhi did board the plane, and if German videos were proof that he never landed, then the only conclusion that could have been drawn was that the passenger was lost in the air and during travel - a major violation of aviation safety standards. This was a commercial disaster waiting to happen. If the Iranian regime had not rushed to produce Sarkuhi, Iranian commercial planes could have lost their landing rights in all European airports. The economic threat was too great and had targeted the international trade interests of Iran's mafia. It worked swiftly. Once Sarkuhi was found and rearrested - according to the regime - a Europe-wide human rights campaign was launched, Iranian trade and import business interests were seriously threatened and you could see that the Iranian judiciary, which is known to be hard-line and inflexible, acted with utmost restraint, held a trial for Sarkuhi, convicted him only of minor offenses. He spent a year in prison before he was allowed to leave the country and join his wife and his children in Germany.

The question is - and there are a couple of examples and they're all similar - and the key question is whether or not these successes have anything in common, and could one build a general human rights strategy around them. In all cases, when the international community targets the economic interests of the ruling mafia, the regime appears vulnerable and retreats. The mafia, headed by Rafsanjani's family, tightly controls much of the import and export business, including the military-related industries, spare parts, retail, and even more recently, the consumer goods. The family members use their position of absolute power and privilege to act as consultant to various foreign firms or collect commissions and royalties on the lucrative oil and weapon deals and military contracts.

This

well-entrenched financial network, being their main source of strength is also their Achilles heel. It creates an easy target for the international community, the moment that they abandon their short-term interests in favor of advancing human rights and democracy and long-term stability and peace in Iran.



AKHAVAN: I would like to start by thanking the Commission for this kind invitation and share a few words following on Ramin's remarks about the nature and objectives of the Iran Human Rights Documentation Center and how it came to be established. By way of introduction, I was formerly legal advisor to the prosecutor's office of the UN War Crimes Tribunal for the former Yugoslavia, and it was in that relation that I had certain experiences about the importance of transitional justice - this, of course, in the context of war.

The context of

Iran is very different. Every context is unique, but there are certain elements in the experience of the former Yugoslavia and other societies, ranging from South Africa and Chile and Argentina, who all experienced transition - either from a state of war or from authoritarian rule to democratic rule. And I believe - we believe, as the co-founders - that accountability - individual accountability - is an essential instrument for not merely transplanting one set of political elites with another, but of really changing the political culture, transforming the rules for the exercise of power, which in our view is the only solid base for creating democracy and civil society.

I remember during the Yugoslav war, further to what Ramin was saying about not the sort of abstract impression one gets of the Islamic Republic as a theocracy, but of its component units as sort of an authoritarian system with mafia-like tendencies, as Ramin explained. I recall how, during the Yugoslav war, many people looked at the conflict in terms of sort of Samuel Huntington's Clash of Civilizations theory - the idea that somehow the outburst of primordial tribal hatreds was to explain the nature of the war in the Balkans. But if one actually had more intimate knowledge of the details of the war, as I did, as a sort of investigator, as a prosecutor, one would see very similar tendencies to those which Ramin explained, namely that incitement to ethnic hatred and violence was an essential instrument for political homogenization and for political control. The creation of a common enemy against which all must unite behind a self-proclaimed leader - in this case, Slobodan Milosevic, Franyo Tugimann (ph), whoever the person may happen to be - is, of course, one of the oldest tricks in the book, and one that is unfortunately very effective. And I believe that one sees in this sort of demonology of the Islamic Republic a very similar tendency.

It's

befitting really to speak of human rights in a broad sense before this Commission because of the peculiar nature of Iran as a theocracy, because religious freedom obviously affects the rights of religious minorities - Baha'is, Christians, Jews, Zoroastrians. But it is not just a question of the religious minorities, it's about the rights of all Iranians, because what we're dealing with here is not contrary to suggestions of cultural relativism that this is somehow a unique, idiosyncratic expression of Iranian or Islamic civilization. This is about authoritarianism, I dare say, this is about fascism. This is about arrogating something, which obviously evokes deep sentimentality, deep emotions on the part of people in Iran, namely their Shiite religious tradition, and harnessing it for political ends.

And

if anyone has any doubts as to the objectives of the Islamic Republic, one needs not look so much at the case of the Baha'is or Jews or Zoroastrians or secular dissidents or feminists or all the people that are at the receiving end of the government's brutality and oppression. One can look at those who proclaim themselves to be devout Muslims, but who disagree with the particular ideology of the Islamic Republic, whether it is the Quietists, who believe that there must be a strict separation of state and religion in order to maintain the integrity of the Islamic faith, or even those who happen to simply belong to a different faction vying for power and who don't particularly care about ideology. And we should really move beyond this cultural relativist paradigm, this sort of politically correct sense that well we must respect people's traditions. This is not about tradition. This is using the apparatus of the modern state in the name of some mythical constructed past, which has no reality, in order to achieve narrow political interests in the present.

It's very clear, if

one looks at the modus operandi of authoritarian states that one of the essential means of control is distortion, manipulation of the truth. Indoctrination and misinformation is an essential means of maintaining legitimacy and creating the sort of homogenization, which allows these governments to stay in power. And we see the desperation with which the government in Iran - that that is their desperation to repress all independent media, including some innocent 24-year-old web-blogger, who ends up in solitary confinement in Evin prison. Control of information is absolutely essential for maintaining authoritarian power structures. And conversely, in order to move towards a democratic space, it's essential for the truth to be exposed. The people in Iran need to know the truth of what has transpired over the past 25 years, and for the most part they either have very selective understanding of that truth or they have a totally distorted knowledge.

Another

aspect of a democratic transition, other than truth-telling - if you like - the experience, which we had for example with the Truth and Reconciliation Commission in South Africa - is the importance of accountability. Human rights are meaningless if they can be violated with total impunity. And that's one of the lessons that the international community had learned, whether in respect to Yugoslavia or Rwanda or Sierra Leone or, most recently, that situation in the Darfur with Sudan. And accountability, as Ramin pointed out, is not so much about abstract condemnation of something called the state or the government, or even of imposing economic or other sanctions, which end up hurting very often the ordinary people on the street rather than elites who have all sorts of ways of protecting their own interests. But it is about a sort of targeted sanction. It's about the individualization of guilt. It's about sending the message that when people are sent to the torture chambers of Evin, when people disappear, when people are executed based on sham proceedings, this is not somehow the doing of an abstract entity, it is the doing of particular individuals who must be held accountable. And that, ultimately, is the message of the rule of law and human rights.

It's

in this context that we set about to establish the Iran Human Rights Documentation Center. Our view is that it is essential to have a comprehensive and objective historical record of what has transpired in Iran over the past 25 years. Unfortunately, human rights are too often appropriated for narrow political ends, and everyone engages in condemnation of that regime or another. People are vying for power so they will selectively criticize a government's human rights records until it is no longer expedient, in which case they change their posture. What we need is a long-term, entrenched commitment to human rights that will survive the vagaries of political interests today. It's the nuclear issue, tomorrow it's something else, but somehow human rights always become a pawn in the game rather than a long-term interest.

Establishing the historical record has two dimensions to it. One is allowing people to come to terms with the past, to reckon with the past. And if there is any hope for the future, there must be some sort of reckoning with the past or this baggage will continue to haunt Iranian society for many generations to come. One sees the situation in Chile with Augusto Pinochet many years after the end of his rule. Beyond that, one needs to move towards individual accountability as a paradigm for dealing with human rights abuses.

Individual accountability is important in several respects. Firstly, it requires a certain degree of precision, if you like, legal precision, which is not customarily associated with human rights reporting. It's one thing to say that people are being tortured systematically in Evin prison. It's an entirely different thing to identify the particular individuals that should be held accountable. And it's one thing to hold accountable those sort of willing executioners, if you like, the henchmen who carry out the torture. It's yet another thing to attribute responsibility to those in positions of authority, who most often are not doing the dirty work themselves. And in order to be credible, it's a project, which requires time, it requires a certain degree of detail, and for that reason, it may be some time before the Iran Human Rights Center will be able to produce the sort of reports, which it has in mind, because we are mindful of the fact that one should not take lightly accusations against individuals. And it must only be arrived at when there is so much overwhelming evidence that one can be left with no conclusion other than the fact that a particular individual should be held accountable.

What

is the relevance of individual accountability to the situation in Iran? First of all, based on the experiences, which Ramin mentioned - of the Mykonos trial for example - it's clear that individual accountability, especially of public officials, even if it is nearly at the stage of accusation, can have far-reaching consequences on, if you like, the political dynamics within the government and the reaction of the international community.

I recall the indictments against Radovan Karadzic and Ratko Mladic, if you remember, the two most senior Bosnian Serb leaders, at the time of the Dayton peace accords, which meant that, although they were still in positions of power, they were effectively excluded from leaving the boundaries of their own country or else they would face arrest. The mere fact of their stigmatization through criminal indictment seriously undermined their capacity for power, and eventually it spelled their political doom to the point where now they are political fugitives. The fact is that even under present circumstances, if there is an authoritative mechanisms, by which individuals can be held at least accused of certain crimes - we're not a court of law, we cannot render judgment - but if there's a credible way of bringing these accusations, and if the international community does the right thing and includes this as a factor in their foreign policy, then these people will become persona non grata. They will not be able to leave the boundaries of Iran and their political and also economic fortunes will be very seriously circumscribed.

The second point is that accountability is as much about the past as it is about the future. People want change in Iran, but very few people want to think about what kind of a government are we going to have in the future in Iran. The point is not - and this is really our particular focus - we're not interested in regime change, we're not interested in condemning a government for whatever political gain it may have, we're interested in introducing a new culture - a new culture of human rights in the manner of resistance to authoritarianism. The point as I mentioned earlier is to eradicate the culture completely, change the rules, because that will not only determine how we deal with the past, it will also determine what sort of political future will be constructed in Iran. If the struggle is to replace one group of hate-mongers and torturers with another, then we will all have wasted our time. The rules of legitimacy have to change in Iran and the international community, I believe, has great responsibility, as Ramin mentioned, in looking at the long-term and not allowing short-term commercial and other interests to stand in the way of pressing these points home.

The third point is that people may be in power today, but they may not be in power tomorrow. One of the valuable lessons we learned from the former Yugoslavia - people who today may seem invincible and untouchable can fall out of grace, out of power. And typically, people do one of two things - one is, they go to Switzerland, where they enjoy their illicit gains in a nice chateau on Lake Geneva. And if there is, as I said, a formal accusation of one sort or another against these people, it will be that much more difficult for them to enjoy the fruits of crime in a later manifestation.

Another tendency that one sees is that people recycle themselves, and we've seen this in Eastern Europe. I remember a human rights seminar, where one of my Romanian colleagues

pointed at another fellow Romanian across the table. He said, do you see him? He used to be a member of the Seguridad Security Forces, and he was now actively attending human rights seminars. There is obviously a tendency, whenever there is some sort of change in the political fortunes, for people to reinvent themselves. But this is not just the case of the lone individual. This relates back to what Ramin said - we're talking about structures, parallel state structures, which allow these individuals to maintain control even when - let's say during the Khatami era - there has been a total political change in terms of the wishes of the majority. We know from the example of Chile for example, that although civilian rule began in 1989, the military continued for many years to run the show in that country. And individual accountability is a means of having a more radical departure with the past, not simply a continuation of business as usual with some sort of façade of democracy.

I will end by simply saying that we now have a beautiful office in cosmopolitan downtown New Haven. We have exactly three staff members, not including us, who are working on a purely voluntary basis. But we are very delighted, and I think surprised, that we managed to get this off the ground. And we have received really tremendous reception from people in the Iranian human rights community, both within Iran and in the diaspora. And I once again thank you very much for giving us this opportunity to share our objectives with you.

(Audio break, tape change.)

ROYA

HAKAKIAN: I'd also like to thank you especially, Dwight, and everyone else here, who have provided this opportunity to us, especially at a time when - even being such a new organization - and we consider ourselves as a virtual unknown entity - it's important to - during this very tense political climate - for us to be able to, kind of, make our case and explain why we think at this particular time, given all the global tensions that are going on - especially specifically in the case of the Middle East - that an entity such as ours should come into being.

I have to say that sitting here next to Ramin, who has been branded as an infidel several times - myself being of Jewish descent - and next to Payam, who is of Baha'i descent, I feel very much like the president of the Hair Club, who holds up the poster and says that - you know, holds

up the bald photograph of himself and says - I'm not only the president of the Hair Club, I'm also a client. That is, after all, our story also, that being three Iranian-Americans born and raised in Iran, we lived through the dream, which was supposed to deliver us all to a dream - the post-Iranian revolution. However, we ended up being driven out of the country we loved, due to fear of persecution. And finally, years later, we have come together to establish an organization dedicated to the cause and the victims of human rights in Iran.

I can think of the moment when the logic of establishing such an entity became undeniably clear to me. It was on September 11 th, and I realized that I was probably the only New Yorker who saw not two, but three towers vanish from the skyline of Manhattan. The third was the towering figure of a man, a writer from Iran named Mohammad Mokhtari, who, on a visit to New York City, had asked me to take him to one of the places - to the one place where all the rest of the city would come together. I had taken him to the Winter Garden at the World Trade Center. There he stood admiring all the things that he could behold in one glance - two tall buildings, Lady Liberty, and the Hudson. He was so thrilled at seeing all that that he kept repeating over and over that this is one of the greatest achievements of mankind.

#### Weeks

later, upon his return to Tehran, after signing the famous 134 letter demanding a halt to the censorship of press in Iran, Mohammad's body, stabbed to death - stabbed in several places - was discovered in one of the remote corners of Tehran. Seven years since his murder, and that of several other writers and intellectuals, the assassins have yet to be brought to justice and their story is nearly fading from public memory. His fall, like that of the fall of the towers, was meant to create terror. And in the absence of all things by which a nation commits such characters and stories to memory, we, in essence, succumb to these assassins.

The three of us have come together to establish the Iran Human Rights Documentation Center for dear reasons, such as the idea of paying tribute to the lives of Mohammad Mokhtari, and for simple reasons. Tyranny thrives on forgetfulness. Their ubiquitousness is proven to the public every time they manage to obliterate the record of someone's opposition or existence. Like other organizations, ours too has charters, by-laws, mission statements, and etc., the whole nine yards. But all the fancy language aside, we're here to bear witness and to remember.

#### The question that

we are often asked is, why now? Our timing to come into existence is profoundly informed by the contemporary Iranian history. Iran of May 2005, in some ways, is looking very similar to Iran of 1979. Back then, when the U.S. Embassy in Iran was seized by the students of the Imam line, every other domestic issue was cast into oblivion. Nothing mattered more than the hostages, nothing superseded the war with the Great Satan. The hostage crisis became a giant of an issue that all

else alongside it was immediately dwarfed - mainly the issues of freedom, civil liberties, and human rights. With the passing of each month in 1980, as the world's attention was nearly exclusively focused on the hostages, more and more arrests took place and acts of summary justice were performed far more swiftly, given the absence of scrutiny. After January of 1981, when the hostages returned home, the oblivion only deepened.

Now, the dominant discussion about Iran is focused around another giant of an issue - the nuclear issue. Though Iran is receiving more attention than it has ever in the past two decades, still the most pressing matter remains Iran's real intentions with regards to uranium enrichment. Subsequently, the headlines that report the day-to-day details of the EU's negotiations with the Iranian regime far outnumber the number of the headlines that tell the details of the people. Though the reform movement of 1999 seized the world's imagination, few are asking, what became of its masterminds or the very students who took to the streets?

I particularly think of the journalist Akbar Ganji, who, through in-depth investigation, uncovered ties between assassinations of intellectuals and writers, such as Mohammad Mokhtari, and a handful of top leaders in power. Overnight, Ganji became a sensation, the beloved editor-in-chief of the most popular daily. Today, he is spending his fifth year in prison, much of it spent in solitary confinement. Ganji is watching those whom he jeopardized his life to expose now run as presidential candidates.

Could Iran - could any country - ever reach democracy, where truths are so constantly twisted, where acts of heroism prove merely ethereal, and are vulnerable to the will of the rulers? Having learned a lesson from the hostage crisis, we are here to contribute to the prevention of another virtual oblivion. We want to carve out a permanent space for the issue of human rights, so that it won't be subject to the trends of the headlines.

Some say it's unpatriotic, almost un-Iranian, to be critical of the Iranian regime's human rights record at this particular moment in history when the U.S. troops are in Afghanistan and Iraq. We disagree and our disagreement is once again rooted in the lessons of post-revolutionary Iran. Back in 1979, when Ayatollah Khomeini began to propose the reinstitution of the Islamic dress code, Iranian women who took to the streets to protest the notion were accused of being unpatriotic. The argument went that with the revolution being so new and the grand threats that the superpowers, especially the United States, posed to its future, conscientious Iranians were only those who sacrificed their personal happiness on behalf of their collective unity. Women who advocated for choice were, among many other things, slandered as selfish. The Islamic dress code soon became mandatory and we were driven under the veils and the uniforms and scarves again. But the upshot of all that proved to be this - if there was anything to be gained from relenting on the subject

of the hijab, those who had to gain from it were not the women of Iran. The enforcement of the dress code, in retrospect, only paved the way for the loss of other civil liberties.

Given this history, we are convinced that this is indeed the best time - the only time - to be talking about the issue of human rights in Iran. Will the EU negotiations with Iran succeed? Will they fail? Will there be a military strike? We certainly hope not. Will there be a deal? If so, we intend to play our humble part in making sure that the issue won't be sacrificed to the exercise of diplomacy. As the world converges upon Iran to sort out the nuclear problem, it seems as if focusing on Iran's human rights is - in a way - an exercise in sovereignty. It is to infuse the debates with the preoccupations that affect us alone and only us. It is to chart our own standards and values in the hopes that we can indeed wrest the subject from political or partisan wrangling to claim it as our own.

Thank you for listening. We were supposed to also provide some information about the status of religious minorities, and I looked extensively at your website, which was quite comprehensive, but we are happy to take questions during the Q & A sessions.

MR. BASHIR: Thank you very much. Let me just open it up for questions, get right to questions. Please.

Q: Okay, I have a question for Payam Akhavan, which is a very interesting -

MR. BASHIR: Yeah, I'm sorry. If you could identify yourself, and then -

Q:  
Sorry, yes. Mariam Memarsadeghi (ph), I'm from Freedom House. I'm very interested in what you said about other countries' transitions and the need for targeted sanctions and personalizing accountability. I'm wondering how that - in the case of Iran - how you see that intersecting with the need for reconciliation down the line. Holding people accountable, yes, but how many people can be held accountable



when the problems are so structural and so deep, and how do we hold people accountable in a way that also allows for fruitful reconciliation, and not too much hatred? I heard about - maybe you can react to this - I was talking to somebody who told me that just as in Iraq, the United States made 52 cards and just held 52 people accountable for the human rights violations or whatever problems that the previous regime - the regime as a whole - fell. And so, the U.S. deemed 52 enough. How much is enough in your eyes, and is that a credible strategy?

MR. AKHAVAN: Well, it's, first of all, nice to see you again, Mariam. First of all, the strategy here is not one of - as I mentioned - regime change. We're clearly not interested in that. We're interested in objective documentation of human rights abuses, come what may. We have no idea how it's going to be used in the broader context, but we hope that by putting it out there that we will be able to help unleash positive, constructive forces.

Now your question is an excellent one and it is always a problem. When you have the systemic criminality, everyone - even people who may be very decent people - have to work within that system. So the question is one of how wide a net do you cast in terms of holding people accountable. The strategy of the war crimes tribunal has been to go after those who are most responsible, knowing that you cannot possibly prosecute tens of thousands of people. It's not practical and it's not desirable. And at some point, yes, you do have to move on. At some point, there has to be settling of accounts, but you also have to leave the past behind.

The criminal justice process does not allow for wide popular participation in a way that a truth and reconciliation commission does. The importance of a truth and reconciliation commission is not so much justice, but it is - as its name suggests - truth-telling. And truth-telling is not about a group of elite historians imposing a particular rendition of history on people. It's a popular process where people have an opportunity to let their voice be heard. And if you talk to South Africans, there probably are very few South Africans that have read the several thousand page long report of the truth commission, but tens of thousands who said that I had my day when I could tell the story of my son, my husband, my wife, whatever the case might be. So that's a broader process of sort of healing and coming to terms with the past, which doesn't necessarily involve a punishment or a prosecution.

But I believe that at a certain level, one needs to, in order to encourage reconciliation, allow people the

satisfaction of knowing that someone has been held accountable, that there has been some justice. Of course, there is always the temptation to engage in sort of political show trials, which I think would be very unfortunate. But in the end, the question will be, how will the democratic transition unfold in Iran? What will be the mechanisms of accountability that will be available? Are we going to have a situation where national courts in Iran themselves will be able to prosecute people? What will be the quality of judges that are available in the legal system in Iran? Will it be necessary to have a hybrid tribunal like in Sierra Leone, where you have a mixed jury of international and domestic judges? Will it be necessary at some point to have an international tribunal?

Those are all questions, which are sort of - by the way - we still think that we should pursue our project, but at some point these are questions that we need to ask in dealing with Iran. And I know that some people have already begun to discuss the idea of a tribunal, the Committee on the Present Danger, and there are other individuals. So that will be, I think, the way of determining how extensive prosecutions are. It will go back to the mechanism of accountability that you adopt, and the resources that it has available, and presumably will be focused on those who are most responsibly - by most responsible, we mean the people who create the systemic aberrations, which allow the henchmen in Evin to do what he does, knowing that he will never be punished.

Q: Can I ask a follow-up question or how do you want - sorry.

MR. BASHIR: Why don't we try to get around and if we have time, please?

Q: I am Avi Davi: (ph), with VOA - (Persian) Service. Thank you for your presentation.

MR. AKHAVAN: I'm sorry, which service?

Q: VOAPersian service.

MR. AKHAVAN: Persian.

Q:

And I have two questions actually. Two questions - first of all, what are the challenges, in your opinion, to document these human rights abuses, and specifically, you, Mr. Akhavan, you referred to the extent that the Iranian society are aware of the discrimination specifically against the religious minorities inside Iran. And you are aware of some confrontations by - (inaudible) - eleven years ago, when the Jewish community in LA established a center for documentation of Iranian-Jewish history. And they must have commented - they were very confrontational especially - the national - (inaudible) - that became really the question that - is not the time of criticizing the Jews and really wasn't it a time of getting united against the Islamic regime, etc. So if you are talking about people outside of Iran that are still resistant to the idea of documentation, how you guys are going to overcome those challenges in documenting, and specifically refer to the Iranian - (inaudible) - if you want.

And the second question to Dr. Ahmadi can refer -- you broke down to three periods, and if you can refer - do you think there were changes in the manner of the law and discrimination against religious minorities when it comes to the law or are you talking about implementations in the society itself? Thank you.

MR. AKHAVAN: Well, I will be very brief and turn it over to Ramin. The whole point about human rights is that there is an inherent dignity, which all human beings possess, irrespective of their religion, their political opinion. You know, a very, very basic assumption, but one, which people find very difficult to accept in practice. And that is the essential message. The essential message is that patriotism and love of Iran is not about chauvinism, that patriotism is about having a civil society - a society in which each and every Iranian is allowed to enjoy fully his or her human rights.

So - and your question is excellent, because it goes back to what we were discussing earlier - that yes, it's necessary to have political change, but there is also a cultural transformation that is necessary, which we feel a bit more uncomfortable to discuss because it is easier to point the finger at a few villains and to reduce the whole exercise to eliminating those, which I think is a mistake.

There is a need for a profound transformation of our world view, and a culture, which is based on hate-mongering and exclusion - of course this culture is encouraged by those who are interested in maintaining authoritarian patterns of thought - that culture has to give way to a culture of human rights - a culture in which people are not threatened by the fact that someone may have a different identity than theirs, that someone may have a different orientation - politically or otherwise - where people feel threatened by the fact that maybe the vast majority of women in Iran don't want to wear the hijab and observe sort of the strictures of dress code, which are determined by narrow elites for their own ends. So I think that it affects not only religious minorities, it affects women, it affects secular people, it affects devout Muslims, it affects everybody, and that in essence is the message underlying our efforts

Q: And what are the challenges in that going to be?

MR.  
AKHAVAN: Well, you mean the practical challenges of that? Well that's a very good question and a complex one, but to make matters simple, gathering documents is one thing and getting witness testimony is

another thing. When you get witness testimony, there is always the question of witness protection, especially for people within the country. Fortunately, since Mykonos, there haven't been any assassinations abroad, but it remains to be seen whether there will be a resumption of such assassinations. And many people who are abroad have relatives, have family within the country. So it's a very difficult thing for us to do. We're just an NGO. I mean, even if we were the international criminal tribunal, which had a staff of 2000, even then, I can tell you some horrible incidents where witnesses were killed or their families were threatened.

Our focus, first and foremost, is on getting information in the Iranian diaspora, obviously, because that is where the risk is least. But we also are collaborating with people within Iran, and those people assume great risk in promoting the cause of human rights. And we are sort of ever mindful of not creating a situation where we will be responsible for endangering them, but at the same time, we seek their collaboration. It's a very delicate, delicate balance.

My own impression is that there is more than enough information outside of Iran to build a very strong case against elements of the leadership, but it is still important to have that connection with Iran - not so much in terms of getting evidence, although it is still important. The most recent cases are still difficult to investigate without having access to Iran. But the more important thing is that people in Iran should understand what our project is about so that they receive it and use it in the right context.

MR. AHMADI:

Regarding the three periods, if I could simplify my three periods for you, the first period is kill in public - brag about it - kill in public and brag about it - the second period is kill secretly - deny it - deny that you did it - and this third period is essentially a diffused use of force in the civil society - in the first two periods, the target is primarily the political society. Now, what happened to the religious minorities more or less follows this pattern.

You can look at, for instance, many of the Jewish industrialists - (inaudible) - who were executed in the first period. It was essentially in the daylight. The charges were foolish but who cared? They said he was a Zionist and that as a Zionist he should be killed. Never mind that in the past he had even donated money to the cause of revolution. He was killed.

The second period, particularly when you look at the Baha'i community - there was a systematic attempt to break into the homes of the leadership of the community and systematically kidnap them and kill them. And then, a more malignant approach started appearing actually, and that was to try to cut the access of the Baha'i community and their children from the educational institutes in the country, and apply three-fourths job discriminations and so forth, and essentially going to the civil society and trying to lead them out any which way you can in a very diffuse and sort of a court manner.

And having said that, still there has been a burst of more open activities. For instance, Mr. Rowhani, one of the members of the Baha'i community was executed in Evin - I'm bringing that out because it happened during Khatami's time in 1998, I believe - in the prison. And I have to say, even though those kinds of episodes do still happen, they do not happen with as much frequency as they do in the first period. Then they were very open about wanting to execute the Baha'i or a Jewish minority leader.

So that's really, if you want to look at the pattern, the pattern still applies to the way they have handled religious minorities. The examples I gave, for instance, the Protestant ministers - I said Dibaj - or the Sunni leader - Mr. Ziya'i - it happened during the second period - killings and then you deny it. They said Mr. Ziya'i, that was a traffic accident and so forth.

And so, the reason I'm trying to bring this out is because I want our human rights advocate colleagues to understand that the Iranian situation is changing, that regime strategies in dealing with the Iranian public has changed. But our colleagues' human rights strategy has not changed. They just do the same old thing they have been doing forever and ever and that is - after the thing happens, go out there and protest it and try to hold the state actor responsible. And the state actors are a bunch of - most of the time - pretty reasonable bureaucrats. They're sitting here and saying, I'm sorry. You know, I'm the minister of interior in the Khatami's regime. I just got beaten up in the street by some of these mobs. You know, what do you want me to do for you? So that classic human rights strategy, I'm trying to say, will not work when you have a shadow mafia organization that is doing most of the human rights violations.

MR. BASHIR: Let me get to three questions. I have the one over here, Kit, and then you and then I think someone else raised their hands, so that we can get

those three, and then the panel can address those three questions.

Q:

Thank you. Kit Bigelow, with the Baha'is. My question is a very practical one. Because the Center got an article, a very laudatory article in the New York Times, that a number of individuals have learned about the center, and the Baha'i office in Washington DC has actually had a number of phone calls from individuals who suffered in the various periods that you've been describing, wondering whether or not they might contact the Center. Are you soliciting this kind of evidence that you were speaking about, whether it is people's stories, or whether they have documentation and wondering just what - if people were to approach us - what would you like us to tell them?

MR. AKHAVAN: Do you have any suggestions?

MR. BASHIR: Why don't we get two more questions and then you can address that questions. Please go ahead.

Q: I don't really have a question. I'm fine.

MR. BASHIR: Okay, please.

Q: My question is a bit of a long one actually.

MR. CRAPA: Could you identify yourself, please?

Q:  
I'm Azadeh Ttaydar from Iran of Tomorrow Movement. And my question is, U.N. High Commission for Human Rights in Geneva, which posted up the declaration condemning Iran in that body, however, the declaration was initially declined because in some degree - (inaudible). My question to that is being what is more - (inaudible) - the best strategy to get the UN aboard this human rights issue? And secondly is really more of a heated question. What made your NGO - (inaudible) - the U.N. High Commission - (inaudible)?

MR. BASHIR: Is there another question or should we let them address this, please?

Q:  
My name is Arsalan Iftikhar. I'm the National Leading Director at the Council on American-Islamic Relations. My question is to Payam that as fellow human rights attorneys, we both know that no civilized society can thrive without a stoic legal working, and my question is a little more legalistic in that sense - how do you view Iran's current legal structure when it comes to hate crime legislation. Being convinced that the judiciary, the executive, and legislative branches. And if you see holes where the judiciary and the judicial process as an entity is being marginalized by the mafia, which we speak of, what are some of the sort of practical or constitutional ways of strengthening the internal, domestic judiciary in order to help prosecute human rights



violations within Iran as separate from the whole concept of international community?

MR. BASHIR: Okay, let's take one other - you have one quick question, and then you can address all of these hopefully.

Q:

Great, thank you, sir. Ahmed Youmis (ph), I'm the national director of the Muslim Public Affairs Council. We represent American Muslims interface with our United States government. Two very quick questions - question number one - very legalistic. You do expect from truth and reconciliation commissions to ad hoc tribunals to permanent tribunals, and we know Tadić out of the Yugoslav Tribunal, Akayesu out of the Rwanda tribunal - these are cases that really - seminal cases - they teach us something new about our legal culture around the world that we really didn't know before.

They are benchmarks that could not have come about any other way. So you know, just from a lawyer to a lawyer, I would say, it's a long-shot. It's a long-term goal, but I think one of our goals in this endeavor would hopefully be for some sort of a tribunal so that we can move in a concrete way in determining, you know, we have now collectively come to this point where this action constitutes, for example, an - (inaudible) - or crimes against humanity, etc. And of course, there's the Dechacho (?) process in Rwanda - something between the truth and reconciliation and an ad hoc tribunal

But

the more specific question is, what can we - you know, Arsalaan from CAIR, they have an anti-torture campaign. Dr. Masmoudi (ph), Center for the Study of Islam and Democracy and MPAC - we have a new 375-page human rights textbook - Islam, State and Democracy - from the foundation of Islamic principles, what is the human rights norm?

How

can we as the American Muslim community - a community that works with the Jewish-American community and the Baha'i community - how can we as an American Muslim community aid in your efforts in concrete ways that would be able to really just you know be a part of your movement here and try to give you as much of what we have as possible - how can we do that?

Those are two questions, I cheated.

MR. AKHAVAN: Could you just elaborate what you meant by the first question - what are the seminal cases, which -

Q:

Sure, I guess my worry is that the practicality of the matter is that we're not going to get as many tribunals as we'd want as lawyers, right? Lawyers want way more tribunals than are feasible. I guess it's much more of a pitch to you to say - I think there is merit. There is merit and there is value in these processes and although they drain our money as a U.S. taxpayer - I would say they drain our money - there is great merit in these tribunals. And I was kind of hoping for some of your thoughts on that proposition.

MR.

BASHIR: Please, if you don't have that - I can remind you - the first question dealt with receiving - you have it, okay, then go right ahead.

MS.

HAKAKIAN: It's very wonderful that you raise that question. And you raise the question that you did - you know, it's very interesting when you are at the inception of an organization, your audience ends up asking the very questions that you are actually asking yourselves. So part of what you referred to, Kit, and several other questions, are the very issues that we are really struggling with and trying to kind of chart our way through and figure out how we exactly want to deal with it.

In an ideal world, we would like to be able to respond to inquiries. We would like to be able to tell people, you know, at least contact us, let us have a triage situation, where we listen to you. But there are no guarantees that we can actually do anything about it or whether or not this will be part of the broader case that we will pursue. But in an ideal world, we would like to be able to provide a triage situation. However, this being part of the broader debate that we've had, we wonder - being in the organization - how much of that kind of triage at the moment are we able to provide. But ideally we would like to be able to - certainly at this particular moment with three people on the staff and three people sort of running around on a volunteer basis, we're not precisely equipped. But the idea would be to encourage them and not to turn people away as much as we can.

I'm far more interested personally because I'd never thought about that - what you're raising - which is really how we can collaborate. And I think that's of significant value, because I'm sure sooner or later - it's only a matter of weeks - a matter of months if not weeks - for us to somehow be accused of being a device of the international imperialism. And we already - part of my presentation here today was in the service of trying to say that we really don't think that we're doing a disservice or being unpatriotic because there are already some murmurs about how do you feel precisely about having accepted U.S. government funding and having such-and-such people on your Boards and - so these are issues that sooner or later we are going to have to deal with. And from my perspective, although we as an entity have yet to think about it, and so I'm really reflecting personal opinion, I think it would be wonderful for us to be able to come together with groups such as yourself. I think we can both - it's a mutually beneficial situation where we can say that we have the support of the Muslim community and that the Islamic Republic of Iran doesn't have the world's claim on Islam whatsoever. That there are people in the Muslim community who support us and therefore - and you in turn can say that you are involved in a cause such as this, which will certainly help whatever it is that you're pursuing.

So I think that as far as I'm concerned - but again, we, as an entity, need to discuss this - I think it's a wonderful proposition to be able to forge some kind of collaboration. Just so you know, we are looking for volunteers for legal interns and we're encouraging people especially with legal expertise to contact us on a pro bono basis or for interns who are in law school and want to kind of get their feet wet in the field to come on board. And so for that we certainly are open to applications and inquiries.

MR. AKHAVAN:  
Maybe I can just -I'll sort of begin with the order of the questions.

As Roya said, we are in a sort of formative phase. Maybe I can explain our emerging working methodology. One is we have an intention to set up a database and we are in the process of doing so, and the process of the database is to allow really for consumption of massive amounts of information and their collation in a systematic way. But from the point of view in engaging in what is essentially a kind of criminal investigation as opposed to a human rights investigation, one can only use that database as a lead to determine patterns, which will then allow for more in-depth investigation.

Going back to the question of an accusation against an individual, which we take very seriously, you need something beyond newspaper headlines, you need something beyond just a complaint by someone. You need detailed, consistent witness statements, which would withstand judicial scrutiny. You need documents, you need, where possible, forensic evidence. What we want to do is really put together cases that are unimpeachable. We're not interested in polemics or political slogans. It's very easy to say, you know, death to this regime, death to that regime. We really want to do our work meticulously, and for that reason, while we have this database procedure, ultimately, we have focused investigations in particular thematic areas, which I think unfortunately it is wise for me not to share publicly. But we have investigations, we have particular cases that we believe we should pursue at present based on their gravity, based on their representative - no, there's no such word as representivity -

MS. Mayam from Freedom House: Representation.

MR.

AKHAVAN: There we go, representation, thank you. And so for that purpose, we would be approaching particular witnesses and, sort of, interviewing them in-depth. This is always a problem. We had this in the Yugoslav tribunal and Rwanda tribunal, where everyone has a story to tell, which was like the truth commission. I don't think that it is suitable really for us to be a truth commission because a truth commission is effective really, when, as in South Africa, you have tens of thousands of people who tell their story and assume a sense of ownership. And we can't do that under present circumstances. We cannot have a stream of tens of thousands of Iranians telling their story. And it may be best to allow that to take place at a future point, but what we can do now is to put together focused cases, which will make it that much more difficult for people to sweep these crimes under the carpet at some point in the future.

Now the question about getting you on board. You know, we're not here to sort of propose foreign policy, but from the point of view of what we had spoken about earlier, I think people have to understand that there are two ways of bringing about democratic change. There is violence and there is non-violence - I mean to put it very bluntly. And when people don't have non-violent means of doing so, sooner or later, they are going to revert to violence. I'm being very blunt and this is clear from so many examples in history that I don't even need to explain it. We see accountability within a non-violent paradigm. We want to provide an opportunity for people in a non-violent way to create civil society rather than simply overthrowing a regime, executing a whole bunch of people, hanging them from the tree, and then bringing another set of butchers on board. This is not what we're interested in.

And

I think that, getting back to what Ramin said, the long-term stability of Iran is going to come through a vigorous civil society. It's going to come through a culture of human rights. It's going to come through the rule of law. It's going to come through an effective judiciary, a government that is transparent and fair, and unfortunately, short-sighted politics does not always appreciate that - to their detriment. And it's becoming clear that this whole nuclear issue, for example, is not going to go away through some short-term solution. People are not turning back, even people who are very hard-nosed political cynics. And say the only answer is to transform the country from within.

So human rights is not about fluff, it's not about a bunch of naïve idealists demonstrating with banners, it's also about hard interests. And in Yugoslavia, the reason why the tribunal became effective - the tribunals essentially dismissed as an impediment to the peace process - they said that how can you indict characters when you negotiate with them? You have to give them an incentive to end the war, so give them amnesty. But people realized in the end that if hate-mongers who incited ethnic cleansing and genocide continued to exercise influence, there is no future for Bosnia, it is impossible to have a multi-ethnic democracy. And I hope people realize that the same applies to Iran, as it did in Sierra Leone, as it did in Argentina, as it did in a widely divergent group of contexts.

We have no relation with the U.N. High Commissioner - actually she's my former boss. (Chuckles.) But she would deny having anything to do with me, so don't ask her. She's a great, great woman.

Your question about Iran's legal structure is an excellent one. It's interesting because you're speaking in terms of marginalizing the judiciary, which is usually what happens in many governments when you have a secret service or a police that wants to do

business with impunity. What you do is you silence the judiciary. But in Iran, the judiciary is actually a highly important instrument for suppression and it goes back to the question of independence. The judiciary is an extension of the executive, and not even the formal executive, but the informal executive. And you know, it even is ensnared in mafia-type politics.

We have a case of an individual who had, for example, business interests, which threatened a member of one particularly powerful family, which I will not name. And the son of that particularly powerful political leader basically had the police pick up this individual, take him to Evin prison, and torture him so he would surrender his business interests. So you see, this is not about any means of Islam and all that garbage they're feeding people. It sometimes boils down to -

MR.

AKHAVAN: Yeah, who gets the 30 million dollar bonus on the oil deal with the company in this particular case that wanted to invest in Iran. So my sense is that the judiciary in Iran right now is in such an appalling condition.

I think in some ways it's worse than the judiciary in Iraq, because in Iraq the judiciary was actually quite modern in its own way. And of course it was manipulated, but in non-political context the judiciary actually functioned reasonably well. You had a sophisticated code, and where you didn't have political trials, there was some sort of functioning judiciary, people with some understanding of procedure.

I don't know what will happen to the judiciary in Iran, but I can see no option but a substantial overhaul. The penal code, for example, there are at least 100 provisions that are fundamentally in violation of human rights. There are 30 grounds for giving people the death sentence, sometimes on minor moral infractions. The procedures are problematic, never mind the fact that even the laws on the books are not observed.

We gave a training seminar to some people from Iran on human rights and it was quite exceptional. I did a session on the right to fair trial, and I felt this is insulting to them, it's too basic to act like I was insulting these people. So I told them that you have the right to counsel of your own choosing. One of them said, no, right to counsel of my own choosing? I said, here, it's right there. I said that you have

the right to contest evidence that is subjected against you. I mean people were stunned because they didn't know. They were - how do you say - acculturated to believe that a summary trial by a so-called religious judge resulting in summary conviction is just the way courts function. So all this to say that it is a serious problem for the future of the country. And I, for that reason, doubt whether it would be possible to have - never mind the political circumstances - but I doubt it would be possible to have trials in Iran without some sort of international dimension. What form that will take, I don't know, it's premature.

Finally, just getting back to your point, I echo Roya's sentiments that without being in a position to give particular suggestions, I think it's essential that this exercise not be seen as sort of like an anti-government, anti-Islamic exercise, which is why I really began this presentation by saying that this is not about Islam, this is about power. If anything, it is about the manipulation and distortion of people's sincerely held beliefs, which I find just outrageous. I mean that abuse of power is bad enough as it is, but abuse of power by manipulating what is sacred in the eyes of many people is doubly heinous, and I think we would welcome collaboration, which would send that sort of message that we're not pursuing a narrow agenda. Our whole point is that we need to look at the human rights paradigm, where people's rights and inherent dignity is not conditioned by whether we approve or disapprove of their particular beliefs - (audio break, tape change) --

MR.

BASHIR: -- Let me thank very much again the three co-founders of the Iran Documentation Center - Human Rights Documentation Center. And we will continue - the Commission - this year we will be looking more closely at Iran and we look to be in touch in the future. And we thank everyone again. If you haven't already, please sign in - I believe there's a sign-in sheet over there, so that we can get your information. And please feel free to talk to the members of the Documentation Center. Thank you for coming.

(END)